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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,641	08/19/2003	Kent A. Hellebust	83531-230	5484
22504 7590 01/18/2008 DAVIS WRIGHT TREMAINE, LLP/Seattle 1201 Third Avenue, Suite 2200 SEATTLE, WA 98101-3045			EXAMINER NGUYEN, NAM V	
			ART UNIT 2612	PAPER NUMBER
			MAIL DATE 01/18/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/644,641

Applicant(s)

HELLEBUST ET AL.

Examiner

Nam V. Nguyen

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24, 27-39, 41, 43 and 45-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24, 27-39, 41, 43, 45-51, and 53-55 is/are rejected.
- 7) ☒ Claim(s) 52 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) ✓
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This communication is in response to applicant's Amendment filed October 29, 2007 by a request for continued examination filed October 29, 2007.

Claims 24, 27-39, 41, 43 and 45-55 are pending.

Response to Arguments

Based upon the facts that the instant application 10/644,641 and U.S. Patent No. 6,061,570 (Janow) were, at the time the invention of application 10/644,641 was made, owned by AT&T Corporation. Janow was assigned directly to AT&T Corporation at the time the invention of application 10/644,641 was made. The instant application 10/644,641 was assigned to AT&T Wireless Services, Inc., a wholly owned subsidiary of AT&T Corporation, at the time the invention of application 10/644,641 was made, therefore the examiner has withdrawn claims 24, 27-39, 41, 43 and 45-55 rejections where the cited prior art reference to Janow (US# 6,061,570) is used, but are moot in view of the new ground(s) of rejection.

The indicated allowability of claim 55 is withdrawn in view of the newly discovered reference(s) to Wicks et al. (US# 5,796,394). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a). A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 24, 27-39, 41, 43, 45-51 and 53-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wicks et al. (US# 5,796,394) in view of Segur (US# 6,212,550).

Referring to claims 24, 37 and 51, Wicks et al. discloses a base station 108 (i.e. a wireless communication device) (column 2 lines 26 to 37; see Figures 1-5), comprising:

a receiver (not shown) (i.e. a RF section) configured to receive a plurality of messages of a first format (i.e. voice messaging) and a plurality of messages of a second format (i.e. a paging system or facsimile messages) (column 4 lines 1 to 23; see Figures 1-3); and

a non-volatile storage memory (250) (i.e. a memory) configured to receive at least one message-classification rule (column 5 lines 39 to 52; column 6 lines 49 to 65; see Figure 3);

a processor (242) (i.e. a digital processor) connected to the receiver and to the memory (250), the processor (242) being configured to determine, based on the at least one input message-classification rule, classification information for the plurality of messages of the first format and the plurality of message of the second format (column 5 lines 41 to 52; column 11 line 26 to column 12 line 24; see Figures 3 and 12);

a display (200) connected to the processor (242) and configured to present classification information associated with the messages of the first format (i.e. voice messaging) and the second format (i.e. a paging system or fax) (column 5 lines 37 to 41; column 6 lines 18 to 31; see Figures 2-10).

However, Wicks et al. did not explicitly disclose the message-classification rule being at least for prioritizing the message.

In the same field of endeavor of a wireless communication device, Segur teaches a memory contains a message-classification rule being at least for prioritizing the message (column 3 lines 44 to 55; column 4 lines 2 to 9) in order to receive and review messages quickly.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to recognize a memory contains a message classification rule being at least for prioritizing the messages taught by Segur in a user interface and rule processing for a personal communications routing system of Wicks et al. because prioritizing the message in the memory would create the base station to display the relevant information in a low priority stack in a secondary lists and to address the messages at a later time.

Referring to claim 27, Wicks et al. in view of Segur disclose a wireless communication device of claim 24, Wicks et al. disclose wherein the processor (242) is configured to produce updated classification information, and the display (200) is configured to present the updated classification information (column 7 lines 21 to 53; see Figure 4).

Referring to claim 28, Wicks et al. in view of Segur disclose a wireless communication device of claim 24, Wicks et al. disclose wherein the receiver is configured to receive classification information associated with messages from the plurality of messages of the first format and the plurality of messages of the second format, and the display (200) is configured to display a number of messages of the first format (i.e. voice messaging) or a number of messages of the second format (i.e. a paging system or facsimile messages) (column 10 lines 33 to 41; see Figures 2-10).

Referring to claim 29, Wicks et al. in view of Segur disclose a wireless communication device of claim 24, Wicks et al. disclose wherein the classification information includes information about an origin of at least one received message (column 8 lines 46 to 53; column 9 lines 63 to 67; see Figures 5 and 6).

Referring to claim 30, Wicks et al. in view of Segur disclose a wireless communication device of claim 24, Wicks et al. disclose wherein the receiver is configured to receive a plurality of messages of a third format (i.e. e-mail messages) (column 4 lines 19 to 23; see Figure 1).

Referring to claim 31, Wicks et al. in view of Segur disclose a wireless communication device of claim 24, Wicks et al. disclose where the first format is a voice mail format (column 4 lines 19 to 23; see Figure 1).

Referring to claim 32, Wicks et al. in view of Segur disclose a wireless communication device of claim 24, Wicks et al. disclose wherein the first format is a fax format (column 4 lines 19 to 23; see Figure 1).

Referring to claim 33, Wicks et al. in view of Segur disclose a wireless communication device of claim 24, Wicks et al. disclose where the first format is an e-mail format (column 4 lines 19 to 23; see Figure 1).

Referring to claim 34, Wicks et al. in view of Segur disclose a wireless communication device of claim 24, Wicks et al. disclose where the first format is a paging format (column 4 lines 19 to 23; see Figure 1).

Referring to claim 35, Wicks et al. in view of Segur disclose a wireless communication device of claim 24, Wicks et al. disclose where the first format is a short message service format (column 1 lines 37 to 44).

Referring to claim 36, Wicks et al. in view of Segur disclose a wireless communication device of claim 24, Wicks et al. disclose where the first format is based on a Wireless Markup Language (13) (i.e. internet messaging) (column 4 lines 1 to 23; column 10 lines 42 to 63; see Figure 1).

Referring to claim 38, Wicks et al. in view of Segur disclose the network device of claim 37, Wicks et al. disclose further comprising a transmitter configured to transmit the message classification (column 4 lines 36 to 67; see Figure 1).

Referring to claim 39, Wicks et al. in view of Segur disclose the network device of claim 37, Wicks et al. disclose wherein the transmitter is configured to transmit the received message to a personal handheld communicator (110, 113 and 126) (i.e. the wireless network user) (column 3 lines 52 to 67; column 4 lines 49 to 67; see Figure 1).

Referring to claim 41, Wicks et al. in view of Segur disclose the network device of claim 37, Wicks et al. disclose wherein the processor (242) is configured to produce an updated message count associated with numbers of messages associated with the message classifications (column 10 lines 33 to 41; see Figures 2-10).

Referring to claim 43, Wicks et al. in view of Segur disclose the network device of claim 37, Wicks et al. disclose wherein the memory (250) is configured to receive the at least one predetermined rule set from the user via a wireless communication device (column 5 lines 39 to 52; column 6 lines 49 to 65; see Figure 3);

Referring to claim 45-47, Wicks et al. in view of Segur disclose the network device of claim 24, Wicks et al. disclose wherein the memory (250) is further configured to receive the at least one message rule by the user calling into an interactive voice-response system, the user

performing touch-tone key presses or by the user using a computer interface via the Internet or World Wide Web (column 5 lines 37 to 52; column 11 line 46 to column 12 line 59).

Referring to claims 48-50, Wicks et al. in view of Segur disclose the network device of claim 24, Wicks et al. disclose wherein the at least one message rule facilitates searching of messages, incoming into the wireless communication device, for key words or phrases (column 5 lines 37 to 52; column 11 line 46 to column 12 line 59).

Referring to claim 53, Wicks et al. in view of Segur disclose the network device of claim 51, Wicks et al. disclose wherein the wireless device comprises the non-volatile storage 250 (i.e. database memory) connected to the processor (242) (column 5 lines 39 to 52; column 6 lines 49 to 65; see Figure 3).

Referring to claim 54, Wicks et al. in view of Segur disclose the network device of claim 51, Wicks et al. disclose further comprising a message memory (250) connected to the processor (242), wherein the processor (242) stores, in the message memory (250), incoming messages organized according to the respective classification information determined by the processor (242) for the messages (column 5 lines 41 to 52; column 11 line 26 to column 12 line 24; see Figures 3 and 12).

Referring to claim 55, Wicks et al. in view of Segur disclose the network device of claim 51, Wicks et al. disclose wherein the processor (242) is further configured to:

update the display (200) to reflect receipt of the message (column 7 lines 21 to 34; see Figures 4 to 11), determine, based on the classification information determined for the received message and according to the at least one message-classification rule, whether the received message is of sufficient priority, and if the message is of sufficient priority, alert the user (column 12 lines 6 to 24; see Figures 2 and 12).

Allowable Subject Matter

Claim 52 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Referring to claim 52, the following is a statement of reasons for the indication of allowable subject matter: the prior art fail to suggest limitations wherein the database memory is associated with the wireless infrastructure at a location separate from the wireless device.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Scannel et al. (US# 5,377,354) disclose a method and system for sorting and prioritizing electronic mail messages.

Laflin et al. (US# 5,705,995) disclose a selective call receiver and method of storing messages therein.

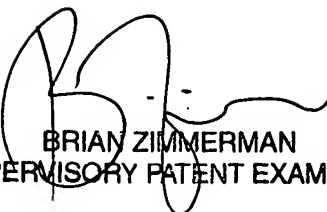
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam V Nguyen whose telephone number is 571-272-3061. The examiner can normally be reached on Mon-Fri, 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Brian Zimmerman can be reached on 571- 272-3059. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number:
10/644,641
Art Unit: 2612

Page 11



BRIAN ZIMMERMAN
SUPERVISORY PATENT EXAMINER

Nam Nguyen
January 15, 2008

